

**CABINET
10TH FEBRUARY 2022**

PRESENT: The Leader (Councillor Morgan)
The Deputy Leader (Councillor Barkley)
Councillors Bailey, Bokor, Harper-Davies, Mercer,
Poland, Rollings and Smidowicz

Councillor Draycott
Councillor Miah
Councillor Seaton

Chief Executive
Strategic Director; Environmental and Corporate
Services
Head of Strategic Support
Strategic Director; Commercial Development,
Assets and Leisure
Head of Financial Services
Head of Landlord Services
Head of Planning and Regeneration
Democratic Services Officer (LS)

APOLOGIES: Councillor Rattray

The Leader stated that this meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

74. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) Councillors Bokor and Morgan – personal interests in item 12 on the agenda (Loughborough Town Deal) as members of the Loughborough Town Deal Board.
- (ii) Councillor Bailey – an interest [disclosable pecuniary] in item 13 on the agenda (Solar Farm - Feasibility) as a tenant on some of the farm land in the feasibility study. Councillor Bailey would leave the meeting during consideration of the item.

75. LEADER'S ANNOUNCEMENTS

No announcements were made.

76. MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 9th December 2021 and 13th January 2022 (informal meeting) were confirmed as a correct record and signed.

77. QUESTIONS UNDER CABINET PROCEDURE 10.7

Councillor Draycott – Budget Proposal 2022/23

“Included is an increase charge for Burial costs £10k. Can I ask the Leader instead of the review of all charges being decided under delegated powers, a report instead comes to Cabinet for a decision?”

The following response had been published prior to the meeting:

The Council’s Scheme of Delegation to Officers states the following:

“Delegation to Heads of Service

- 1. To undertake the periodic review of fees and charges raised within his or her service area and falling within the scope of the Council’s Income and Charging Policy Framework.”*

The current amount budgeted for cemetery income is approx. £100k, so to raise the necessary addition £10k would require an increase of around 10%. Given that the Council has invested approx. £1.2m in the provision of a new cemetery, the proposed increase in charges is considered to be proportionate and reasonable.

Any increase in charges would be in line with the Council’s Charging Policy Framework.

I do not believe that a cabinet report is necessary in this instance for the following reasons:

- 1. The proposed increase is not excessive.*
- 2. The proposed increase is in line with the Council’s Income and Charging Policy.*
- 3. The revenue costs of providing the service increase year on year.*
- 4. The Council has invested heavily in a new cemetery and some of the costs need to be recouped.*
- 5. The increase has been included in the draft budget reports, and will be included in the final budget reports. These will be subject to the normal scrutiny arrangements.*

In asking a supplementary question/making a statement, Councillor Draycott stated:

“At a time when we are in a pandemic, excess deaths unprecedented and health care generally very poor, such an increase is insensitive to say the least. Whilst the information in the answer is interesting the actual answer “no” to my question is disappointing. The case being made for the increase is the new cemetery, the building of such would have been capital monies and yet the charges are revenue. My question is therefore, would the Leader agree Council Tax payers have already paid for this new cemetery in the last few years through their Council Tax? Some of

these people sadly during next year will be doubly hit if they also lose a loved one, to then find burial charges at such a time have increased. Thank you.”

The Leader then asked Councillor Bokor as Cabinet Lead Member to respond. She stated that she was sympathetic to what had happened over the pandemic, having herself lost her brother to Covid. However, the increase had been included in the draft budget report, would be included in the final budget report and was subject to the normal scrutiny arrangements.

78. BUDGET SCRUTINY PANEL

Considered, a report of the Head of Strategic Support to consider the report of the Budget Scrutiny Panel following its scrutiny of the Council’s draft budget for 2022/23 (item 6 on the agenda filed with these minutes).

Councillor Miah, Chair of the Budget Scrutiny Panel, presented the report of the Panel. He also thanked the Panel members for their work and the officers and Cabinet Lead Member for Finance who had assisted it.

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

The Budget Scrutiny Panel was thanked for its work in respect of the matter.

RESOLVED that the report and the observations set out within it be noted.

Reason

To acknowledge the work undertaken by and the views of the Budget Scrutiny Panel and to note its observations.

79. 2022-23 GENERAL FUND AND HRA REVENUE BUDGETS AND COUNCIL TAX AND MTFS 2022-25

Considered, a report of the Head of Financial Services setting out the 2022-23 General Fund and HRA Revenue Budgets and Council Tax and Medium-Term Financial Strategy (MTFS) 2022-25, for recommendation to Council (item 7 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

Noted, an error on Appendix A4 on agenda page 60, Parish Precepts, should refer to Band D and not Band B. This would be corrected in report submitted to Council.

RESOLVED that **Council be recommended:**

1. to approve the Original General Fund Revenue Budget for 2022/23 at £17,862,933 as set out in Appendix A1 to the report;

2. to set a base Council Tax at £135.69 at Band D, an increase of £4.61 on the 2021/22 rate as set out in Appendix A2 to the report;
3. to set the Loughborough Special Levy at £79.53, a 1.99% increase on 2021/22 rate, as set out in Appendix A3 to the report and to approve the following ongoing savings and one off pressure which are included in the General Fund and also form part of Loughborough Special Budget:
 - Thorpe Acre Hub - £9.8k saving
 - Gorse Covert/Fearon Hall- £1.3k saving
 - Cemetery Fee Increase - £10k saving
 - CCTV Salaries - £10k saving
 - Carillon Income - £4.5k One off Service Pressure;
4. to approve the Original HRA Budget for 2022/23 as set out in Appendix A5 to the report;
5. to amend the HRA weekly rents in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance;
6. to amend the non-HRA dwelling properties in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance;
7. to approve the HRA service charges in accordance with the MHCLG guidance;
8. to approve that the shop rents retain their current rents in accordance with an assessment by the Valuation Office;
9. to approve that garage rents increase to £10 per week (52 weeks) in accordance with an assessment by the Valuation Office;
10. to approve that the Leasehold Management and Administration charge increases to £138.33 per annum Leasehold flats, and £138.32 for Leasehold shops;
11. that the Lifeline weekly charge is increased in line with MHCLG Guidance;
12. to determine that the basic amount of Council Tax for 2022/23 is not excessive according to the principles set out by the Secretary of State;
13. that delegation be given to the s151 Officer, in conjunction with the Cabinet Lead Member for Finance, to amend this report for Council in line with the final updated NNDR figures;
14. that the Medium Term Financial Strategy 2022-2025 as set out at Appendix B to the report be noted and **recommended to Council** for approval.

Reasons

1. So that the necessary finance is approved to carry out services in 2022/23.

2. So that the Council Tax can be set in accordance with legal and statutory requirements.
 3. So that a Loughborough Special Levy can be set in accordance with legal and statutory requirements.
 4. To ensure sufficient funding for the Housing Revenue Account in 2022/23.
 5. To comply with social housing rents guidance.
 6. To be consistent with the other council house stock.
 7. To ensure the correct alignment of costs and service charges for tenants in accordance with best practice.
 8. So that shop rents follow the assessment and guidance provided by the Valuation Office.
 9. To increase the rent generated for garages in line with the guidance from the Valuation Office.
 10. So that there is sufficient recovery of the costs associated with operating the leasehold flat and shop services.
 11. So that there is sufficient recovery of the costs associated with operating the Lifeline service.
 12. To comply with the requirements of the Local Government Finance Act 1992.
 13. To update the budget report in line with final settlement figures once these are received.
 14. To inform members of the future financial outlook for the Council.
80. CAPITAL STRATEGY, TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY AND ANNUAL INVESTMENT STRATEGY 2022-23

Considered, a report of the Head of Financial Services setting out the Capital Strategy, Treasury Management Strategy Statement, Minimum Revenue Provision Policy and Annual Investment Strategy for 2022-23, for recommendation to Council (item 8 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

RESOLVED

1. that the Capital Strategy, as set out at Appendix A of the report, be approved and **recommended to Council**;

2. that the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy as shown at Appendix B of the report, be approved and **recommended to Council**;
3. that the Prudential and Treasury Indicators, also set out in Appendix B of the report, be approved and **recommended to Council**.

Reasons

1. To enable the Council to comply with the statutory code of practice issued by CIPFA: 'The Prudential Code for Capital Finance in Local Authorities, 2017 Edition'.
2. To ensure that the Council's governance and management procedures for Treasury Management reflect best practice and comply with the CIPFA Treasury Management in the Public Services Code of Practice, Guidance Notes and Treasury Management Policy Statement.
3. To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment is only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.

81. NEW CAPITAL PLAN (2022-23 TO 2024-25)

Considered, a report of the Head of Financial Services to consider a new Capital Plan 2022/23 to 2024/25 and sources of funding, for recommendation to Council (item 9 on the agenda filed with these minutes).

The Strategic Director; Environmental and Corporate Services and the Head of Financial Services assisted with consideration of the report.

RESOLVED that the Final 3 Year Capital Plan for 2022/23 to 2024/25 for the General Fund and HRA schemes in Appendix 1 of the report be endorsed, **for Council approval** on 21st February 2022.

Reason

So that the Final 3 Year Capital Plan becomes the basis for Capital spending by the Council for 2022/23 to 2024/25.

82. CAPITAL PLAN AMENDMENT REPORT

Considered, a report of the Head of Financial Services setting out proposed changes to the 2021/22 - 2022/23 Capital Plan and its financing (item 9 on the agenda filed with these minutes).

The Head of Financial Services assisted with consideration of the report.

RESOLVED

1. that the current Capital Plan for 2021/22 - 2022/23, as amended by the changes shown in Appendix 1 to the report, in the budgeted sum of £61,854,500, be approved;
2. that additional decisions taken by Officers in relation to new S106 schemes added to the Capital Programme, also included in Appendix 1 to the report, be noted;
3. that amendments to the Capital Programme since 9th December 2021 minute 61 be noted.

Reasons

1. To enable the current Capital Plan to be the basis for capital spending by the Council and so that schemes may proceed.
2. To note the new Capital Schemes as part of S106 Agreements implemented by Officer for 3rd Parties.
3. To note amendments to the Capital Programme since Cabinet 9th December 2021 minute 61.

83. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN 2021-2052 AND ASSET MANAGEMENT STRATEGY FRAMEWORK

Considered, a report of the Head of Landlord Services seeking approval of the HRA Business Plan 2021-2052 and Asset Management Strategy Framework (item 11 on the agenda filed with these minutes).

The Head of Landlord Services assisted with consideration of the report.

RESOLVED that the following be approved:

1. the updated Housing Revenue Account (HRA) Business Plan 2021-2052 at Appendix 1 to the report;
2. the Asset Management Strategy Framework attached at Appendix 2 to the report;
3. the Head of Landlord Services to undertake a procurement for a contractor to support the development of the Council's Asset Management Strategy through the undertaking of a stock condition survey, high level energy study, and the production of a prioritised investment strategy, and that this be added to the Annual Procurement Plan in the £75,000 to £500,000 bracket.

Reasons

1. To set out the revised financial framework for how the Council intends to meet the investment requirements necessary to deliver the housing service and maintain its HRA properties over the next 30 years.
2. To develop the Council's Asset Management Strategy, ensuring it links to our priorities, and highlights risk and opportunities around our HRA assets, including homes, estates, sheltered accommodation, shops, and garages.
3. To validate the assumptions in the HRA Business Plan and enable informed discussion around future investment priorities and the strategic approach to asset management, and to add the procurement to the Annual Procurement Plan.

84. LOUGHBOROUGH TOWN DEAL

Considered, a report of the Head of Planning and Regeneration to endorse the approach being taken regarding the Loughborough Town Deal (item 12 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Planning and Regeneration assisted with consideration of the report.

RESOLVED

1. that endorsement is given to ongoing Council support for the Town Deal and the use of resources which enable the Deal and projects led by the Borough Council to be successfully delivered;
2. that officers are asked to prioritise the progression of Council-led Town Deal projects within Service work programmes;
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To recognise the importance of the Town Deal to Loughborough and to give confidence to the Town Deal Board that the Council will continue to play key roles in the Town Deal's delivery.
2. To ensure that the Lanes and Links, Living Loughborough and Bedford Square Gateway projects attain approved business cases and are delivered within the lifetime of the Town Deal.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Having declared an interest, Councillor Bailey left the meeting during the consideration of the following item.

85. SOLAR FARM - FEASIBILITY

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure seeking approval and delegation to commission a feasibility study for the construction of a solar farm on Council owned land (item 13 on the agenda filed with these minutes).

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

Councillor Smidowicz queried whether new build houses were required by the Council to include solar panels. The Chief Executive stated that that could not be required, but he would arrange for a full explanation of the position on that to be sent to Councillor Smidowicz following the meeting.

RESOLVED

1. that spend of up to of £150,000 to undertake feasibility studies for the construction of solar (PV) installations on Council owned land be approved;
2. that authority for the same be delegated to the Strategic Director; Commercial Development, Assets and Leisure to commission the studies;
3. that the activity be added to the Council's Annual Procurement Plan.

Reasons

1. To understand the Council's options and ability to build solar PV installations or other renewable energy options in the Borough.
2. To allow for the timely completion of studies such that that any following phases of a project can be planned and submitted for scrutiny and approval.
3. To allow contracts of the Council to be let in accordance with Contract Procedure Rules.

Councillor Bailey returned to the meeting.

86. RIPA (REGULATION OF INVESTIGATORY POWERS ACT) POLICY

Considered, a report of the Head of Strategic Support setting out a Regulation of Investigatory Powers Act (RIPA) Policy and a summary of the use of RIPA during 2021 (item 14 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its pre-decision scrutiny of reports to this meeting.

The Head of Strategic Support assisted with consideration of the report. He confirmed that the briefing note for councillors requested by the Scrutiny Commission at its meeting on 7th February 2022 would be provided following Cabinet approval of the report.

RESOLVED

1. that it be noted that there has been no use of RIPA by the Council during the calendar year 2021;
2. that the Audit Committee be requested to continue its responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose;
3. that the updated RIPA Policy Statement 2022, attached as Appendix A to the report of the Head of Strategic Support, be approved;
4. that the report of the Scrutiny Commission be noted.

Reasons

1. To ensure compliance with the requirements of the Home Office's current 'Code of Practice – Covert Surveillance and Property Interference' relating to the involvement of elected Members in approving the RIPA policy and reviewing the Council's use of RIPA on at least an annual basis.
2. To ensure compliance with the requirements of the Home Office's latest 'Code of Practice – Covert Surveillance and Property Interference' relating to elected Members considering reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the policy and the policy remains fit for purpose.
3. To ensure that the Council's RIPA Policy Statement remains up to date and consistent with the relevant legislation and codes of practice.
4. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

NOTES:

1. Councillors Miah and Seaton attended this meeting virtually. They were not taking decisions.

2. The following officers listed as present attended this meeting virtually: Chief Executive, Strategic Director; Commercial Development, Assets and Leisure, Head of Planning and Regeneration. The remainder of officers listed were physically present at the meeting.
3. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 18th February 2022 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
4. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 18th February 2022.
5. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.